

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Power Company)	
d/b/a AmerenIP)	
and Ameren Illinois Transmission Company)	
)	
Petition for a Certificate of Public Convenience)	
and Necessity, pursuant to Section 8-406 of the)	
Illinois Public Utilities Act, to construct,)	
operate and maintain new 138,000 volt electric)	06-0706
lines in LaSalle County, Illinois.)	

**REPLY TO THE RESPONSE OF AMEREN AND THE ROUTE 71 RESISTORS TO
THE FOX RIVER ALLIANCE MOTION TO DECLARE THE “STIPULATION”
UNENFORCEABLE**

Now comes Fred M. Morelli Jr. Attorney for Skydive Chicago, Inc., Ottawa Airport Inc., and the Fox River Alliance, hereinafter referred to as “the River People” and in reply to the Response heretofore filed by Ameren and the Route 71 Resistors state as follows:

The “River People” feel they are in a position similar to that of the proposed victim of a murder for hire contract. And while that analogy may sound extreme, we ask that the Administrative Law Judge consider that a power line along the Fox River will certainly, at some point in the future, result in the death of one or more skydivers, will almost certainly result in a helicopter crash at the Ottawa Hospital, with probable fatal consequences; and, will more than likely result in the demise of Skydive Chicago, Inc., thereby having a severe impact on the very existence of Ottawa Airport, Inc., and the economy of the Ottawa, Illinois area.

Our position is that the goal of the Stipulation is unconscionable and strongly against the public interest. The public has an interest in the preservation of the Fox River. The public has an interest in the safety of general aviation. The public has an interest in the safety of the helicopter crews and their passengers at the Ottawa Hospital. The public even has an interest in the safety of the sky divers. The Route 71 Resistors are asking the Illinois Commerce

Commission to ignore those interests all in the name of possible loss of profits on a PROPOSED subdivision. That is an unconscionable position.

It is possible the Stipulation could be voided as being the product of a mutual mistake. Either the Route 71 Resisters were not aware of the danger to the Ottawa Airport and the helicopter pad, or if they were aware, chose to ignore or minimize that danger.

It is conceivable, even probable, that the Route 71 Resisters' attorney and Ameren's attorney were not aware of the existence of the Ottawa Airport or the helicopter pad when the stipulation was prepared. Astonishingly, the Route 71 Resisters' expert witness, Mr. Maxon, makes no mention of the Ottawa Airport, the sky divers or the Ottawa Hospital Helicopter pad. One can conclude he was not aware of the existence of the Airport or the helicopter pad when he submitted his testimony. This is a possible conclusion because he testified he reviewed the route by automobile when, in fact, there is no automobile access along the vast majority of the river route (see testimony of Kirk Smith and various air photos). The "River People" give the attorneys, Maxon and Ameren the benefit of the doubt.

It is, however, inconceivable that the Route 71 Resisters themselves were not aware of the existence of the Ottawa Airport or the helicopter pad, they being local residents.

The unconscionability of the Stipulation is exemplified by the Route 71 Resisters' persistence in the face of the evidence submitted by the "River People" as it relates to the Ottawa Airport, Inc., Skydive Chicago, Inc., the Ottawa Hospital helicopter pad and the ecological damage to the Fox River and Illinois River watershed.

The fact of the matter is that the Route 71 Resisters are more interested in a proposed subdivision, whose completion, due to the state of the economy, is much less probable today than it was in 2006. The 71 Resisters seem to have no interest in the public good, the safety of general aviation, the safety of skydivers, the safety of the helicopter crews and their passengers or the ecology.

The purpose of the Stipulation is unconscionable. The goal of the Stipulation is to despoil 9 miles of the Fox River and create a present, real and continuing hazard to human life. To state otherwise is to show blatant disregard for the public interest and public safety. To state otherwise stretches reality beyond the breaking point.

The "River People" fully recognize that since all parties agree the stipulation is not binding on the administrative law judge or the Illinois Commerce Commission the judge could simply take the position that it is not necessary there be a ruling by himself or the Illinois Commerce Commission on the motion to void the stipulation and decline to rule.

That said, the "River People" persist in requesting a ruling that the stipulation seeks a result that is so against the public interest that it is simply unconscionable, against public policy and therefore unenforceable.

Respectfully submitted,

Fred M. Morelli, Jr.

Law Offices of Fred M. Morelli, Jr.
403 W. Galena Blvd.
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Verification

I, Fred M. Morelli, Jr., being first duly sworn on oath do hereby state that I have read the forgoing
**REPLY TO THE RESPONSE OF AMEREN AND THE ROUTE 71 RESISTORS TO
THE FOX RIVER ALLIANCE MOTION TO DECLARE THE "STIPULATION"
UNENFORCEABLE**

and to my knowledge and belief it is true and correct.

Subscribed and sworn to before me
this _____ day of February 26, 2010.

Fred M. Morelli, Jr.

Notary Public

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NOTICE OF FILING

TO: See attached service list

Please take notice that on February 4, 2010, Fred M. Morelli, Jr., caused to be filed, **REPLY TO THE RESPONSE OF AMEREN AND THE ROUTE 71 RESISTORS TO THE FOX RIVER ALLIANCE MOTION TO DECLARE THE "STIPULATION" UNENFORCEABLE**, in the above captioned preceding with Elizabeth A. Rolando, Chief Clerk of the Illinois Commerce Commission, via electronic mail.

Respectfully submitted,

Fred M. Morelli, Jr.

Certificate of Service

I, Fred M. Morelli, Jr., hereby certify that a copy of the foregoing **REPLY TO THE RESPONSE OF AMEREN AND THE ROUTE 71 RESISTORS TO THE FOX RIVER ALLIANCE MOTION TO DECLARE THE "STIPULATION" UNENFORCEABLE** was served on all parties on the Service List in Docket No. 06-0706, by electronic mail and regular mail where indicated by (*) on February 26, 2010.

Respectfully submitted,

Fred M. Morelli, Jr.

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SERVICE LIST (amended 12-8-09)

Elizabeth A. Rolando
Chief Clerk of the Illinois Commerce Commission
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Springfield, IL 62701

Service is via electronic mail except regular U.S. Mail where indicated by ().*

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